

RNTPC Paper No. A/YL-TYST/1005A  
For Consideration by  
the Rural and New Town  
Planning Committee  
on ~~24.7.2020~~ 1.9.2020

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**APPLICATION FOR PERMISSION**  
**UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/YL-TYST/1005**

- Applicant** : Mr. TANG Mo Pun represented by Metro Planning and Development Company Limited
- Site** : Lots 2387 RP (Part), 2388 (Part), 2389 (Part), 2391 (Part), 2408 (Part), 2411 S.AB & C (Part), 2412 (Part), 2414 (Part) and 2415 (Part) in D.D. 120, Tong Yan San Tsuen, Yuen Long, New Territories
- Site Area** : 3,968 m<sup>2</sup> (about)
- Lease** : Block Government Lease (demised for agricultural use)
- Plans** : Draft Tong Yan San Tsuen (TYST) Outline Zoning Plan (OZP) No. S/YL-TYST/13 currently in force  
  
Approved TYST OZP No. S/YL-TYSY/12 at the time of submission
- Zonings** : “Residential (Group A) 3” (“R(A)3”) (about 84%); and  
*[Restricted to a maximum plot ratio of 7 and a maximum building height of 160mPD]*  
  
“Open Space” (“O”) (about 16%)  
  
on the draft TYST OZP No. S/YL-TYST/13 currently in force  
  
“Undetermined” (“U”) on the then approved TYST OZP No. S/YL-TYSY/12 at the time of submission
- Application** : Temporary Open Storage of Construction Machinery, Construction Materials and Ancillary Office and Repair Workshop for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission to use the application site (the Site) for temporary open storage of construction machinery, construction materials and ancillary office and repair workshop for a period of 3 years (**Plan A-1a**). The Site falls within an area mainly zoned “R(A)3” (about 84%) and partly zoned “O” (about 16%) on the draft TYST OZP No. S/YL-TYST/13 currently in force. According to the covering Notes of the OZP, temporary use or development of any

land or buildings not exceeding a period of three years requires planning permission from the Town Planning Board (the Board) notwithstanding that the use or development is not provided for under the Notes of the OZP. The Site is currently occupied by the applied use without valid planning permission (**Plans A-2, A-4a to A-4c**).

- 1.2 The Site involves 11 previous applications (No. A/YL-TYST/15, 62, 78, 150, 280, 293, 367, 454, 628, 775 and 957) for various open storage uses and/or warehouse with or without repair workshop and/or ancillary office uses (**Plan A-1b**). The last application (No. A/YL-TYST/957) for temporary warehouse for storage of exhibition materials and open storage of construction machinery and construction materials with ancillary office and repair workshop was approved with conditions for a period of 3 years by the Rural and New Town Planning Committee (the Committee) of the Board on 3.5.2019. However, the planning permission was subsequently revoked on 3.5.2020 due to non-compliance with time-limited approval conditions on submission and implementation of fire service installations (FSIs) proposal. Compared with the last application, the current application is submitted by the same applicant solely for open storage use with ancillary activities on a smaller site, but with similar site layout and development parameters for the open storage portion.
- 1.3 According to the applicant, the Site is currently partitioned into 7 compartments with main ingress/egress at the western periphery; 2 other ingress/egress leading from/to adjoining lots are at its south-eastern and eastern peripheries (**Plan A-2 and Drawing A-2**). The Site is mainly used for open storage of construction machinery and construction material, including I-beams, electric generators, elevated platforms, scaffolding and barricades. Ancillary repair workshops for repairing of on-site construction machinery and welding are located at the western part of the Site. No storage and handling (including loading/unloading (L/UL)) of electrical appliances and electronic/computer parts (including cathode-ray tubes) will be carried out on the Site. In addition, no heavy goods vehicles, including container tractor/trailer, are allowed to enter/be parked at the Site. The applicant also undertakes that all existing trees/drainage facilities within the Site will be preserved/maintained at his own expense. Plans showing the vehicular access leading to the Site, site layout, tree preservation proposal, as-built drainage facilities and FSIs proposal submitted by the applicant are at **Drawings A-1 to A-5** respectively.
- 1.4 The major development parameters of the previously approved application and the current application are summarised as follows:

<b>Major Development Parameters</b>	<b>Previous Approved Application No. A/YL-TYST/957 (a)</b>	<b>Current Application No. A/YL-TYST/1005 (b)</b>	<b>Difference (b)-(a)</b>
Applied Use	Temporary Warehouse for Storage of Exhibition Materials and Construction Materials and Open Storage of Construction Machinery and Construction Materials with Ancillary Office and Repair Workshop for a Period of 3 Years	Temporary Open Storage of Construction Machinery, Construction Materials and Ancillary Office and Repair Workshop for a Period of 3 Years	Excluding Warehouse

Major Development Parameters	Previous Approved Application No. A/YL-TYST/957 (a)	Current Application No. A/YL-TYST/1005 (b)	Difference (b)-(a)
Total Floor Area (non-domestic) (Whole Site)	1,399 m <sup>2</sup> (about)	671 m <sup>2</sup> (about)	- 728m <sup>2</sup> (-52%)
No. and Height of Structures (Whole Site)	13 <ul style="list-style-type: none"> <li>• four warehouses for storage of exhibition/construction materials (5-7.5m, 1 storey)</li> <li>• one for toilet (3m, 1 storey)</li> <li>• six for ancillary site office and/or open shed (3.5-7.5m, 1-2 storey(s))</li> <li>• one for storage of construction materials (3.5m, 1 storey)</li> <li>• one for meter room (3.5m, 1 storey)</li> </ul>	8 <ul style="list-style-type: none"> <li>• five for ancillary site office and/or open shed (3-7.5m, 1-2 storey(s))</li> <li>• two for storage of construction materials (3.5-5m, 1 storey)</li> <li>• one for meter room (3.5m, 1 storey)</li> </ul>	-5 (-38.5%)
No. of Parking Spaces	2 (5m x 2.5m) (for private cars)		---
No. of L/UL Spaces	2 (11m x 3.5m) (for medium goods vehicles)		---
Operation Hours	7:00 a.m. to 7:00 p.m., with no operation on Sundays and Public Holidays		---

1.5 In support of the application, the applicant has submitted the following documents:

- (a) Application Form received on 14.2.2020 **(Appendix I)**
- (b) Supplementary Planning Statement **(Appendix Ia)**
- (c) Further Information (FI) received on 1.6.2020 providing a FSIs proposal **(Appendix Ib)**
- (d) FI received on 13.7.2020 providing justifications for non-compliance with approval conditions of the last application **(Appendix Ic)**  
*[(c) and (d) accepted and exempted from publication and recounting requirements]*

1.6 On 26.5.2020, the Committee agreed to defer a decision on the application for a period of two months, as requested by the applicant. ~~On 1.6.2020, FI (Appendix Ib) was received and the application is submitted to the Committee for consideration at this meeting.~~ After the deferral, the applicant submitted FI on 1.6.2020 and 13.7.2020. In light of the special work arrangement for government departments due to the novel coronavirus infection, the meeting originally scheduled for 24.7.2020 for consideration of the application has been rescheduled, and the Board has agreed to defer consideration of the application and the application is now scheduled for consideration by the Committee at this meeting.

## **2. Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are mainly detailed in Section 3 of the Supplementary Planning Statement and the FI (**Appendices Ia to Ic**). They can be summarised as follows:

- (a) The Site involves previous applications, including the last application (No. A/YL-TYST/957) for warehouse and open storage uses. As the applicant could not bear the cost for installing automatic sprinkler system for the warehouse structures as required by the Director of Fire Services (D of FS), the approval conditions requiring submission and implementation of FSIs proposal were not complied with. To meet the fire safety requirement, the current application is submitted to excise the warehouse portion from the development. There is no change in planning and environmental circumstances since the approval of the last application, hence favourable considerations should be given to the current application.
- (b) According to the then Town Planning Board Guidelines for “Application for Open Storage and Port Back-up Uses” (TPB PG-No.13E), the Site fell within Category 1 areas and was considered suitable for open storage and port back-up uses.
- (c) The applied use was in line with the planning intention of the then “U” zone. A number of open storage yards and repair workshops have been approved by the Board in the vicinity of the Site. Therefore, the development is compatible with the surrounding environment. Besides, there is a shortage of land for open storage purpose in TYST.
- (d) There will be minimal traffic, environmental, visual and drainage impacts arising from the proposal. The development would not generate queuing of traffic outside the Site and adequate space for manoeuvring of vehicles will be provided. The applicant undertakes to follow the environmental mitigation measures in the “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Use” (Code of Practice), where applicable.

## **3. Compliance with the “Owner’s Consent/Notification” Requirements**

The applicant is not a “current land owner” but has complied with the requirements as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification” Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31A) by posting a notice of the application outside the Site and sending the notice to the Shap Pat Heung Rural Committee by registered post. Detailed information would be deposited at the meeting for Members’ inspection.

## **4. Town Planning Board Guidelines**

On 27.3.2020, the Board promulgated the revised “Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses” (TPB PG-No. 13F). The Site falls within Yuen Long South (YLS) Development Area. The criteria for New Development Areas (NDAs) (including potential development areas) under the revised Guidelines are applicable. Relevant extracts of the Guidelines are attached at **Appendix II**.

## 5. **Background**

- 5.1 At the time of the submission of the application, the Site fell within an area zoned “U” on the then approved TYST OZP No. S/YL-TYST/12. Subsequently, the draft TYST OZP No. S/YL-TYST/13 was gazetted under section 5 of the Town Planning Ordinance (the Ordinance). The Site now falls within an area mainly zoned “R(A)3” (about 84%) and partly zoned “O” (about 16%) on the draft TYST OZP No. S/YL-TYST/13 currently in force (**Plan A-1a**).
- 5.2 The Site is currently not subject to planning enforcement action.

## 6. **Previous Applications**

- 6.1 The Site involves 11 previous applications (No. A/YL-TYST/15, 62, 78, 150, 280, 293, 367, 454, 628, 775 and 957) for various open storage uses and/or warehouses with or without repair workshop and/or ancillary office uses covering different extents of the Site. Details of the applications are summarised in **Appendix III** and the boundaries of the sites are shown on **Plan A-1b**.
- 6.2 Out of these 11 previous applications, one application (No. A/YL-TYST/280) for proposed temporary open storage of building materials and machinery with vehicle repair workshop and ancillary office for a period of 3 years was rejected by the Committee in 2005 mainly on the consideration that the proposed development did not comply with the then TPB PG-No. 13C in that the development was incompatible with the surrounding residential use and there were adverse comments from the Director of Environmental Protection (DEP).
- 6.3 Applications No. A/YL-TYST/15, 62, 78 and 150 for permanent/temporary open storage of construction/building machinery and/or materials, applications No. A/YL-TYST/293, 367 and 454 for temporary open storage of construction machinery, construction material and home appliance (for the latter application only) with ancillary repair workshop, application No. A/YL-TYST/628 for proposed temporary vehicle repair workshop and open storage of construction machinery, construction materials and home appliance with ancillary office and repair workshop, and application No. A/YL-TYST/775 for temporary open storage of construction machinery and construction materials with ancillary office and repair workshop were approved with conditions by the Committee or the Board on review between 1997 and 2016 each for a period ranging from 1 to 3 years. The applications were approved mainly on the considerations that the proposals were generally in line with the then TPB PG-No. 13 (or its later versions); generally not incompatible with the surrounding areas; approval of the applications on a temporary basis would not frustrate the long-term development of the area; and departmental concerns could be addressed by imposing approval conditions. However, the planning permissions for applications No. A/YL-TYST/78, 150 and 367 were subsequently revoked between 2000 and 2009 due to non-compliance with approval conditions.
- 6.4 The last application No. A/YL-TYST/957 for temporary warehouse for storage of exhibition materials and open storage of construction machinery and construction materials with ancillary office and repair workshop was approved with conditions for a period of 3 years by the Committee on 3.5.2019 mainly on similar considerations as those stated in paragraph 6.3 above. However, the planning permission was subsequently revoked on 3.5.2020 due to non-compliance with

time-limited approval conditions requiring submission and implementation of FSIs proposal.

- 6.5 Compared with the last application, the current application is submitted by the same applicant solely for open storage use with ancillary activities on a smaller site, but with similar site layout and development parameters for the open storage portion.

## 7. Similar Applications

There are 20 similar applications for various types of temporary open storage uses with or without warehouse and/or ancillary workshop/site office uses in the subject “R(A)3” and “O” zones<sup>1</sup> approved with conditions by the Committee since 2015, mainly on similar considerations that the developments were not incompatible with the surrounding uses and the concerns of relevant departments could be addressed by imposing approval conditions. However, the planning permission for one of the applications (No. A/YL-TYST/792) was subsequently revoked in 2017 due to non-compliance with approval condition. Details of the applications are summarised in **Appendix IV** and the locations of the sites are shown on **Plan A-1a**.

## 8. The Site and Its Surrounding Areas (Plans A-1a to A-4c)

8.1 The Site is:

- (a) accessible via a local track leading from Kung Um Road to its east (**Drawing A-1, Plans A-2 and A-3**);
- (b) largely paved and fenced off; and
- (c) currently occupied by the applied use without valid planning permission.

8.2 The surrounding areas have the following characteristics (**Plans A-2 and A-3**):

- (a) predominantly open storage/storage yards and warehouses with scattered residential structures, workshops, plant nursery, agricultural land, unused land and vacant land/structures;
- (b) there are residential structures in the vicinity of the Site with the nearest one located to its immediate southwest;
- (c) to its west is a nullah flanked by Lam Tai West Road and Lam Tai East Road;
- (d) to the further northwest and southeast are areas zoned “Village Type Development” on the OZP; and
- (e) except for five open storage yards (with/without vehicle repair workshop) and a warehouse in the vicinity operating with valid planning permissions (No. A/YL-TYST/882, 888, 952, 1016, 1023 and 962 respectively), the other warehouses, open storage/storage yards and workshops in the vicinity are

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<sup>1</sup> All the similar applications were approved prior to the rezoning of the sites to “R(A)3” and/or “O” on the draft TYST OZP No. S/YL-TYST/13.

suspected unauthorised developments (UD) subject to enforcement action taken by the Planning Authority.

## **9. Planning Intentions**

- 9.1 The planning intention of the “R(A)3” zone is primarily for high-density residential developments. Commercial uses are always permitted on the lowest three floors of a building or in the purpose-designed non-residential portion of an existing building.
- 9.2 The planning intention of the “O” zone is primarily for the provision of outdoor open-air public space for active and/or passive recreational uses serving the needs of local residents as well as the general public.

## **10. Comments from Relevant Government Departments**

- 10.1 The following government departments have been consulted and their views on the application are summarised as follows:

### **Land Administration**

- 10.1.1 Comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD):
- (a) The Site comprises Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government.
  - (b) Within the Site, Lot 2387 RP in D.D. 120 is currently covered by Short Term Waiver (STW) No. 4939 to permit structures erected thereon for the purpose of “Temporary Warehouse for Storage of Construction Machinery and Construction Material”.
  - (c) Should planning approval be given to the subject planning application, the STW holder(s) will need to apply to her office for modification of the STW conditions where appropriate. The owner(s) of the lot(s) without STW will need to apply to her office to permit the structures to be erected or regularise any irregularities on site, if any. Besides, given the proposed use is temporary in nature, only application for regularisation or erection of temporary structure(s) will be considered. Applications for any of the above will be considered by her department acting in the capacity of the landlord or lessor at its sole discretion and there is no guarantee that such application will be approved. If such application(s) is approved, it will be subject to such terms and conditions, including among others the payment of rent or fee, as may be imposed by her department.
  - (d) The programme of land resumption would follow the agreed programme among relevant departments notwithstanding the validity period of the planning permission to be granted.

## **Traffic**

### 10.1.2 Comments of the Commissioner for Transport (C for T):

- (a) The land status of the access road/path/track leading to the Site from Kung Um Road shall be checked with the lands authority.
- (b) The management and maintenance responsibilities of the access road/path/track should be clarified and consulted with the relevant management and maintenance authorities accordingly.
- (c) The applicant is reminded that sufficient space should be provided within the Site for manoeuvring of vehicles. In addition, no parking, queuing and reverse movement of vehicles on public road are allowed.

### 10.1.3 Comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD):

- (a) Adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads/drains.
- (b) His department shall not be responsible for the maintenance of any access connecting the Site and Kung Um Road.

## **Environment**

### 10.1.4 Comments of the DEP:

- (a) He does not support the application as there are sensitive receivers of residential use in the vicinity (with the nearest one located to the immediate southwest of the Site) (**Plan A-2**) and the applied use will cause traffic of heavy vehicles; environmental nuisance is expected.
- (b) There was no environmental complaint concerning the Site received in the past 3 years.
- (c) Should the application be approved, the applicant should be advised to follow relevant mitigation measures and requirements in the latest Code of Practice to minimise any potential environmental nuisances on the surrounding areas.

## **Drainage**

### 10.1.5 Comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD):

- (a) He has no objection in principle to the development.
- (b) Based on the planning statement enclosed in the application (**Appendix Ia**), the applicant would maintain the same drainage facilities as those implemented under previous planning application No. A/YL-TYST/293.



- (c) Should the Board consider that the application is acceptable from the planning point of view, approval conditions requiring the maintenance of the drainage facilities implemented under application No. A/YL-TYST/293 and submission of records of the existing drainage facilities on site to the satisfaction of the Director of Drainage Services or of the Board should be stipulated.

### **Fire Safety**

#### 10.1.6 Comments of the D of FS:

- (a) He has no objection in principle to the proposal subject to FSIs being provided to his satisfaction.
- (b) The applicant should observe the good practice guidelines at **Appendix V** and be reminded of the detailed comments on the submitted FSIs proposal at **Appendix VI**.
- (c) Moreover, having considered the nature of the open storage, an approval condition requiring the provision of fire extinguisher(s) within 6 weeks from the date of planning approval should be incorporated if the application is approved. To address this approval condition, the applicant is required to submit a valid fire certificate (FS 251) to his department for approval.

### **Building Matters**

#### 10.1.7 Comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD):

- (a) As there is no record of approval granted by the Building Authority for the existing structures at the Site, he is not in a position to offer comments on their suitability for the use proposed in the application.
- (b) The applicant should be reminded of the detailed comments at **Appendix VI**.

### **Long-term Development**

#### 10.1.8 Comments of the Chief Engineer/Cross-Boundary Infrastructure and Development, Planning Department (CE/CID, PlanD):

- (a) The Civil Engineering and Development Department (CEDD) and PlanD jointly commissioned the “Planning and Engineering Study for Housing Sites in YLS – Investigation”. According to the Revised Recommended Outline Development Plan of YLS promulgated in May 2020, the Site mainly falls within an area zoned “Special Residential - Zone 1 - Public Rental Housing (with Commercial)” (“RS(1)c”) and partly falls within an area zoned “Local Open Space” (“LO”).
- (b) The objective of YLS is to transform the degraded rural land predominantly occupied by brownfield operations including open storage yards, warehouses and rural industrial uses into housing and

other uses with supporting infrastructure and community facilities, and to improve the existing environment. It is noted that the application is for temporary use for a period of 3 years. In considering the application for temporary uses, due consideration should be given on the possible implication on land clearance which would affect the future implementation of YLS.

10.1.9 Comments of the Project Manager (West), CEDD (PM(W), CEDD):

- (a) The Site falls within the boundary of YLS development - Stage 1 (the project). To meet the target first population intake under the project by Q3 of 2028, land clearance is planned to commence in Q1 of 2022 subject to Executive Council's authorisation on land resumption and Finance Committee's funding approval of the project by mid-2021 and Q4 2021 respectively.
- (b) He has no objection to the application for temporary use for three years on the understanding that the programme of land resumption would follow the project programme notwithstanding the validity period of the planning permission to be granted and an advisory clause that 'the Site might be subject to land resumption for the implementation of the YLS development – Stage 1 which might take place at any time before the expiry of the temporary planning permission and thus the applicant shall be advised not to carry out any substantial works in view of the planned YLS development – Stage 1' is incorporated to remind the applicant that the land might be resumed at any time during the planning approval period. He will give sufficient notice to the relevant department(s) for early resumption of the Site if his works commence early.

**District Officer's Comments**

10.1.10 Comments of the District Officer (Yuen Long), Home Affairs Department (DO(YL), HAD):

His office has not received any feedback from the locals.

10.2 The following government departments have no comment on the application:

- (a) Director of Agriculture, Fisheries and Conservation (DAFC);
- (b) Director of Electrical and Mechanical Services (DEMS);
- (c) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD); and
- (d) Commissioner of Police (C of P).

**11. Public Comment Received During the Statutory Publication Period**

On 21.2.2020, the application was published for public inspection. During the first three weeks of the statutory public inspection period, no public comment was received.

**12. Planning Considerations and Assessments**

12.1 The application is for temporary open storage of construction machinery,

construction materials and ancillary office and repair workshop for a period of 3 years. Subsequent to the receipt of the application by the Board, the draft TYST OZP No. S/YL-TYST/13 covering the Site was gazetted under section 5 of the Ordinance on 10.7.2020. The Site now falls within an area mainly zoned “R(A)3” (about 84%) and partly zoned “O” (about 16%) on the draft TYST OZP No. S/YL-TYST/13.

- 12.2 The “R(A)3” and “O” zones on the draft TYST OZP No. S/YL-TYST/13 are intended primarily for high-density residential developments and outdoor open-air public space for active and/or passive recreational uses respectively. Although the development is not in line with the aforesaid planning intentions, CE/CID, PlanD did not raise objection and PM(W), CEDD has no objection to the temporary use for 3 years. Approval of the application on a temporary basis of 3 years would not jeopardise the long-term development of the area. However, should the application be approved, the applicant should be reminded that the Site might be subject to land resumption for the implementation of the YLS Development – Stage 1 which might take place at any time before the expiry of the temporary planning permission and no substantial works shall be carried out at the Site in view of the planned YLS Development – Stage 1.
- 12.3 The surrounding areas comprise predominantly open storage/storage yards and warehouses (**Plan A-2**). Although there are residential structures in the vicinity, the development is generally not incompatible with the surrounding uses.
- 12.4 The Site falls within the YLS Development Area. For applications in NDAs (including potential development areas), the following considerations in the TPB PG-No. 13F are relevant:

For existing open storage and port back-up uses with previous planning approval(s) and/or permitted under the previous OZPs, sympathetic consideration may be given to the application (irrespective of whether the application is submitted by the applicant of previous approval or a different applicant) until the concerned site is required for implementation of NDA development, provided that the relevant approval conditions, if any, have been complied with. Technical assessments, where appropriate, should be submitted to demonstrate that the continued operation of the current uses would not have adverse drainage, traffic, visual, landscaping and environmental impacts on the surrounding areas and the concerns of the departments and local residents, if any, can be addressed through the implementation of the approval conditions. In view of the impending implementation of NDAs, new open storage and port back-up uses are generally not encouraged to infiltrate into the NDAs. There is a general presumption against such uses at greenfield areas and/or at sites with land use compatibility issue, e.g. in close proximity to existing residential dwellings which may be subject to environmental nuisances caused by the open storage and port back-up uses.

- 12.5 The proposal is generally in line with the TPB PG-No. 13F in that the Site falls within the YLS Development Area and previous planning approvals for similar storage uses have been given under the previous OZPs; while the planning permission under the last application (No. A/YL-TYST/957) submitted by the same applicant was revoked due to non-compliance with approval conditions on the submission and implementation of FSIs proposals, FSIs proposal (**Drawing A-5**) has been submitted for the current application and D of FS has no in-principle objection to the application. As such, sympathetic consideration may be given to

the current application. Should the application be approved, shorter compliance periods are recommended in order to closely monitor the progress on compliance with associated approval conditions. The applicant will be advised that should he fail to comply with any of the approval conditions resulting in revocation of the planning permission, sympathetic consideration would unlikely be given to any further application.

- 12.6 There is no adverse comment on the application from concerned government departments, except DEP. DEP does not support the application as there are sensitive receivers of residential use in the vicinity of the Site (with the nearest one located to its immediate southwest) (**Plan A-2**), and the applied use will cause traffic of heavy vehicles; environmental nuisance is expected. However, there has been no environmental complaint concerning the Site received in the past 3 years. Furthermore, relevant approval conditions are recommended in paragraph 13.2 below to minimise any potential environmental nuisances or to address the technical requirements of other concerned government departments. Any non-compliance with the approval conditions will result in revocation of the planning permission and UD on the Site will be subject to enforcement action by the Planning Authority. Should the planning application be approved, the applicant will also be advised to follow the latest Code of Practice in order to minimise any potential environmental impact, and to keep the Site clean and tidy at all times.
- 12.7 Given that 10 previous approvals for open storage uses have been granted to the Site and 20 similar applications have been approved since 2015, approval of the current application is generally in line with the Committee's previous decisions. There was one previous application (No. A/YL-TYST/280) rejected by the Committee in 2005 for the reason that the proposal was not in line with the then TPB PG-No. 13C as the development was incompatible with the surrounding residential use and there were adverse comments from DEP. Such consideration is not entirely applicable as the current application is considered generally in line with the prevailing TPB PG-No. 13F and not incompatible with the surrounding uses, and the potential environmental nuisances could be addressed by imposing approval conditions.
- 12.8 No public comment was received on the application during the statutory publication period.

### 13. Planning Department's Views

- 13.1 Based on the assessments made in paragraph 12, the Planning Department considers that the temporary open storage of construction machinery, construction materials and ancillary office and repair workshop could be tolerated for a period of 3 years.
- 13.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid on a temporary basis for a period of 3 years until 24.7.2023 1.9.2023. The following conditions of approval and advisory clauses are also suggested for Members' reference:

#### Approval conditions

- (a) no operation between 7:00 p.m. and 7:00 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;

- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (c) no storage and handling (including loading and unloading) of electrical appliances and electronic/computer parts (including cathode-ray tubes), as proposed by the applicant, are allowed on the Site at any time during the planning approval period;
- (d) no heavy goods vehicles exceeding 24 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the Site, as proposed by the applicant, at any time during the planning approval period;
- (e) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (f) all existing trees within the Site shall be maintained at all times, as proposed by the applicant, during the planning approval period;
- (g) the existing boundary fencing on the Site shall be maintained at all times during the planning approval period;
- (h) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (i) the submission of a condition record of the existing drainage facilities on the Site within **3** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by ~~24.10.2020~~ 1.12.2020;
- (j) the provision of fire extinguisher(s) with valid fire certificate (FS 251) within **6** weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by ~~4.9.2020~~ 13.10.2020;
- (k) the submission of a revised fire service installations proposal within **3** months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by ~~24.10.2020~~ 1.12.2020;
- (l) in relation to (k) above, the implementation of the fire service installations proposal within **6** months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by ~~24.1.2021~~ 1.3.2021;
- (m) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g) or (h) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (n) if any of the above planning conditions (i), (j), (k) or (l) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.

Advisory clauses

The recommended advisory clauses are at **Appendix VI**.

13.3 Alternatively, should the Committee decide to reject the application, the following reasons for rejection are suggested for Member's reference:

- (a) the development is not in line with the planning intentions of the "R(A)3" and "O" zones which are intended primarily for high-density residential developments and outdoor open-air public space for active and/or passive recreational uses respectively. No strong planning justification has been given in the submission to justify a departure from the planning intentions, even on a temporary basis; and
- (b) the applicant fails to demonstrate that the development would not generate adverse environmental impact on the surrounding areas.

#### **14. Decision Sought**

14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.

14.2 Should the Committee decide to approve the application, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permission, and the period of which the permission should be valid on a temporary basis.

14.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.

#### **15. Attachments**

<b>Appendix I</b>	Application Form received on 14.2.2020
<b>Appendix Ia</b>	Supplementary Planning Statement
<b>Appendix Ib</b>	FI received on 1.6.2020
<b>Appendix Ic</b>	FI received on 13.7.2020
<b>Appendix II</b>	Relevant extract of TPB PG-No. 13F
<b>Appendix III</b>	Previous Applications covering the Site
<b>Appendix IV</b>	Similar Applications within the Subject "R(A)3" and "O" Zones on the TYST OZP since 2015
<b>Appendix V</b>	The Good Practice Guidelines for Open Storage Sites
<b>Appendix VI</b>	Recommended Advisory Clauses
<b>Drawing A-1</b>	Vehicular Access Plan
<b>Drawing A-2</b>	Site Layout Plan
<b>Drawing A-3</b>	Landscape and Tree Preservation Plan
<b>Drawing A-4</b>	As-built Drainage Plan
<b>Drawing A-5</b>	FSIs Proposal

<b>Plan A-1a</b>	Location Plan with Similar Applications
<b>Plan A-1b</b>	Previous Applications Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plans A-4a to A-4c</b>	Site Photos

**PLANNING DEPARTMENT**  
***JULY SEPTEMBER 2020***